



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,399	04/23/2001	Kazutugu Horii	Q64194	2448

7590 03/03/2004

SUGHRUE, MION, ZINN, MACKPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,399

Applicant(s)

HORII, KAZUTUGU

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 8/21/2002 has been considered and recorded in the file.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5 and 6/3, 6/4, 6/5 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al (5,983,119).

Regarding to claim 1, see Fig. 2, 3a, 3b, 4, 5, 6a, 6b7a, 7b, 8a, 8b and col. 3, line 25 to col. 8, line 50, Martin disclose a communication device (100) (see figures 3A, and 3B) comprising:

an antenna (120) (see col. 4, line 37 to col. 5, line 44);

an antenna supporting portion (202) for rotatably supporting said antenna in said communication device (see col. 4, line 37 to col. 5, line 44).

a gear (206) provided coaxially and integrally with said antenna (see col. 4, line 37 to col. 5, line 44); and

a turn detector (204) engaged with said gear for detecting a turn of said antenna (see col. 4, line 37 to col. 5, line 44).

Regarding to claim 2, Martin et al discloses that the communication device further comprising:

a housing portion (200) for receiving said antenna into the inside of said communication device (see Fig. 3A, col. 4, lines 37–54); and

said gear engages with said turn detector in a state where said housing portion receives said antenna and a state where said housing portion does not receive said antenna (see Fig. 3A and 3B, col. 4, lines 37 to col. 5, line 44, and col. 6, lines 13–55).

Regarding to claim 3, Martin et al disclose a communication device (100) comprising:

an antenna (120) movably supported in the communication device (see Fig. 2, 3 and col. 3, line 39 to col. 4, line 36);

a movement detector (204) for detecting a movement of said antenna;
and

a selector (see figure 6B) for selecting information in response to a moving direction or an amount of movement of said antenna based on a movement-detected result (see col. 6, lines 13-55).

Regarding to claim 4, Martin et al disclose a communication device (see figures 3A and 3B) comprising:

an antenna (120) rotatably supported in the communication device;
a turn detector (204) for detecting a turn of said antenna; and
a selector (see figure 6B) for selecting information in response to a turning direction or an amount of turn or a turning speed of the antenna based on a turn detected result (see col. 6, lines 13-55).

Regarding to claim 5, Martin et al disclose a communication device (see figures 2, 3A and 3B) comprising:

an antenna (120) movably supported in the communication device;

a movement detector (204, 122) for detecting a movement of said antenna;

a searching device (122, 102) (see figure 2) for searching information in response to a turning direction or an amount of turn or a turning speed of said antenna based on a turn detected result (see col. 3, line 64 to col. 4, line 12); and

a selector (102) for selecting information in response to a moving direction or an amount of movement of the antenna in a turning axis direction based on a movement-detected result (see col. 4, lines 29-54).

Regarding to claims 6/3,6/4 and 6/5, Martin et al disclose that the communication is carried out in response to the selection of the information by said selector (see Fig. 3A and 3B, col. 4, line 37 to col. 5, line 44).

Conclusion

4. References Gonzalez et al (5,276,454), Katz (5,535,439) and Kulberg (5,734,716) are additionally cited because they are pertinent to the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


LEE NGUYEN
PRIMARY EXAMINER

Application/Control Number: 09/839,399
Art Unit: 2682

Page 7